

# **Exhibit A**

**From:** [Brian Murphy](#)  
**To:** [McClellan, Rand L.](#)  
**Cc:** [Vonderhaar, Douglas](#)  
**Subject:** Re: Charvat v. Southard and RbA  
**Date:** Thursday, July 18, 2019 1:39:15 PM  
**Attachments:** [image004.jpg](#)  
[image006.jpg](#)  
[image008.jpg](#)

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Rand,

After speaking with the folks on our side I think we are good with this approach with the caveat that we think it also makes sense to add the issue of the dialing system to the exchange of information that happens in the first phase - some of that has been produced in a redacted fashion and given our new cell phone Plaintiff we think it would be beneficial to flush out that issue as well alongside consent since those would both be essential to figuring out any potential resolution of the matter. Let me know what you think or if you want to discuss further. Thanks.

Brian Murphy  
[murphy@mmmb.com](mailto:murphy@mmmb.com)

On Thu, Jul 18, 2019 at 9:51 AM McClellan, Rand L. <[rmcclellan@bakerlaw.com](mailto:rmcclellan@bakerlaw.com)> wrote:

Brian,

Quick follow up. Thoughts?

Rand

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**From:** McClellan, Rand L.  
**Sent:** Monday, July 15, 2019 3:19 PM  
**To:** [murphy@mmmb.com](mailto:murphy@mmmb.com)  
**Cc:** Vonderhaar, Douglas <[dvonderhaar@bakerlaw.com](mailto:dvonderhaar@bakerlaw.com)>  
**Subject:** Charvat v. Southard and RbA

Brian,

I spoke to Ben Picker, and he is willing to assist. In general, I see this mediation in two phases. First, an exchange of information, primarily the information regarding consents and EBRs. Second, the mediation itself. Note, no one is committed to

actually getting in a room(s) to mediate should one or both of us believe that it would not be fruitful.

Regardless of the specifics, I think we should ask the Court for more time so that we can get the information to you, and you can review and respond. I'd suggest a 3-4 month extension to the current case schedule, which should allow enough time for us to vet the issues. Normal Rule 26 discovery would continue to ensure that we stay on schedule.

Let me know your thoughts.

Regards,

Rand

**Rand McClellan**

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200 Civic Center Drive | Suite 1200  
Columbus, OH 43215-4138  
T +1.614.462.4782

[rmcclellan@bakerlaw.com](mailto:rmcclellan@bakerlaw.com)  
[bakerlaw.com](http://bakerlaw.com)



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